

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

SEIFULLAH AZGHANDI, :  
Plaintiff, : Case No. 3:20-cv-377  
v. : JUDGE WALTER H. RICE  
KENNETH HOPKINSON, :  
Defendant. :

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DECISION AND ENTRY ADOPTING IN PART AND REJECTING IN  
PART UNITED STATES MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS (DOC. #22); SUSTAINING DEFENDANT'S  
MOTION TO DISMISS (DOC. #7) WITHOUT PREJUDICE TO  
PLAINTIFF FILING AN AMENDED COMPLAINT NAMING THE  
PROPER DEFENDANT SUBJECT TO THE STRICTURES OF FED. R.  
CIV. P. 11

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Based on the reasoning and citations of authority set forth by United States  
Magistrate Judge Peter B. Silvain, Jr., in his Report and Recommendations, Doc.  
#22, to whom this case was originally referred pursuant to 28 U.S.C. § 636(b), as  
well as upon a thorough *de novo* review of this Court's file and the applicable law,  
and further noting that no objections have been filed thereto and that the time for  
filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court ADOPTS  
said judicial filing and SUSTAINS Defendant's Motion to Dismiss, Doc. #7.  
However, the Court REJECTS the Report and Recommendations dismissing this  
case. Defendant's Motion to Dismiss is without prejudice to the filing by Plaintiff

of an Amended Complaint naming the proper Defendant, subject to the strictures of Fed. R. Civ. P. 11. Said Amended Complaint, if it is to be filed at all, must be filed within twenty-one days from date of this filing. If no such Amended Complaint is filed, this case will be dismissed with prejudice.

Date: September 24, 2021

*Walter H. Rice*

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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE